

Deborah Stewart - 10/27/04

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

OLIVIA Y, By and
Through Her Next Friend,
James D. Johnson, et al. PLAINTIFFS
VS. CIVIL ACTION NO. 3:04CV25LN
HALEY BARBOUR, As Governor
Of the State of Mississippi;
DONALD TAYLOR, as Executive
Director of the Department of
Human Services; and BILLY MANGOLD,
As Director of the Division of
Children's Services DEFENDANTS

DEPOSITION OF DEBORAH STEWART

Taken at the instance of the Defendant at the
offices of Bradley Arant, LLP, One Jackson Place,
188 E. Capitol Street, Suite 450, Jackson,
Mississippi, on Thursday, October 27, 2004,
beginning at approximately 7:58 a.m.

APPEARANCES:

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<p style="text-align: right;">Page 82</p> <p>1 are placed in the home, she knows. And so we know 2 when the beds are available and when they're not. 3 She does. 4 Q. How would she know, let's say in Perry 5 County, that a child has just been reunified and 6 that bed has opened up? 7 A. I guess the ASWS would contact her and 8 let her know. I'm just really not sure. 9 Q. In ASWS, do you contact other counties 10 and let them know when a foster bed has opened up in 11 Forrest County? 12 A. No, I don't. 13 Q. Okay. If there's no placement available 14 in Forrest County, let's say a child needs regular 15 foster home, what does the licensure person do? 16 A. If it's not an available person, foster 17 home in Forrest County, what does she do? 18 Q. Uh-huh (affirmatively). 19 A. She may look at the different foster 20 homes that she has licensed so see if they are -- 21 how many they are licensed for and she may call -- 22 let me know this foster home has -- she just 23 licensed this foster home and they got two, three, 24 four beds available. 25 Q. My question to you was if there was no</p>	<p style="text-align: right;">Page 84</p> <p>1 A. No. 2 Q. So the bottom line is, in order to find a 3 placement you call around to a variety of counties 4 to see? 5 A. For foster homes. Uh-huh 6 (affirmatively). 7 Q. Okay. 8 (Exhibit 30 - Letter re: Youth Villages 9 marked for identification.) 10 MS. NOTHENBERG: The witness is being 11 shown what's previously been marked as Exhibit 30 12 with the heading "Youth Villagers" and with Bates 13 number 06623-06624. 14 Q. (By Ms. Nothenberg) Take a minute to 15 review briefly just the first three paragraphs of 16 this letter. Just the first three paragraphs which 17 are quite brief. Do you recognize this letter? 18 A. No, I don't. 19 Q. Okay. Is Josie Brown a caseworker in 20 Forrest County? 21 A. Yes. 22 Q. Is she under your supervision? 23 A. Yes. 24 Q. Are you familiar with the name James 25 Austin, foster child James Austin?</p>
<p style="text-align: right;">Page 83</p> <p>1 home available in Forrest County what would the 2 licensure person do? 3 A. In Perry County that she licensed, she 4 may look and say I just licensed this home and she 5 will let me know or let the worker know or someone 6 else in the office know. 7 Q. And if no placement is available is there 8 ever an instance -- strike that. 9 Just so I understand the placement process, 10 if a caseworker has a child in need of a foster home 11 placement and there are no foster homes in Forrest 12 County that have an available bed, how does that 13 caseworker go about finding a foster home for that 14 child? 15 A. We could call another ASWS in another 16 county and ask if they have any available openings. 17 Q. Is it we the caseworker who's making 18 that phone call? 19 A. The caseworker, me, the foster care 20 licensure person, the social worker aid, the 21 homemaker. We all work together in finding 22 placement. 23 Q. But there's nobody whose job 24 responsibility is in fact to make that call 25 specifically?</p>	<p style="text-align: right;">Page 85</p> <p>1 A. Yes. 2 Q. Is he under your supervision? 3 A. Yes. 4 Q. Okay. Do you see how the first paragraph 5 reads that, "James Austin was admitted to Memphis 6 Boys Town on May 16, 2001 with a discharge date of 7 11/16/2001"? 8 A. Yes. 9 Q. Okay. Do you see on the second paragraph 10 where it says, "Due to difficulty with finding 11 James' placement, his date was changed to 12 11/30/2001"? 13 A. Yes. 14 Q. And the next line says, "Note that James 15 has been on the list for therapeutic foster care." 16 Are you aware of other instances in which children's 17 discharge date from a residential placement had to 18 be changed simply because there are no therapeutic 19 foster placements available for that child? 20 A. Well, yes. 21 Q. You are? 22 A. No placements. 23 Q. How frequently does that occur? 24 A. I don't know how frequently. 25 Q. But it occurs?</p>

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<p style="text-align: right;">Page 86</p> <p>1 A. Yes. And I can say this that it does 2 occur because I wouldn't say that I think as I 3 stated earlier that is always because of no 4 available placement, but sometimes the criteria is 5 not met or either the child has been at that 6 placement before and they refused to take him back. 7 So it's different criteria why they may still be on 8 a waiting list until we find something else. 9 Q. But there are in fact instances where a 10 child is waiting for a therapeutic placement because 11 no foster care placements have been identified, as 12 is the case here? 13 A. Like I said, yeah. 14 Q. Okay. 15 A. And the reason why. 16 Q. Do you see in the last sentence on the 17 third paragraph, "I am concerned that James has 18 began to digress and disrupt due to his knowledge of 19 there being no placement options for him at this 20 time?" 21 A. Yes. 22 Q. Are you aware of other instances where 23 children have begun to digress because they know 24 that they're waiting in a placement and there are no 25 other placements available for them?</p>	<p style="text-align: right;">Page 88</p> <p>1 disruptions because they were in need of a 2 therapeutic placement and were not in such a 3 placement? 4 A. No, I wouldn't say that. 5 Q. Are you aware of instances in which 6 children in Forrest County have spent the day in the 7 DFCS office while awaiting placement? 8 A. Yes. Well, not awaiting placement. I 9 would say we have placement and they are there until 10 a worker can take them for placement. 11 Q. So they're awaiting to be placed? 12 A. Yes. 13 Q. Okay. Do children waiting placement in 14 DFCS office attend school? 15 A. Yeah. Some of them do and some of them 16 don't. It just depends. We may have gotten a child 17 that day, so he's not in school, but they're waiting 18 for the worker to transport them to where they are 19 going. 20 Q. Did children -- are you familiar with 21 instances in which children have spent the day, more 22 than one day, have spent consecutive days in DFCS 23 office awaiting placement? 24 A. Yes, it has happened. 25 Q. And would that be because there are not</p>
<p style="text-align: right;">Page 87</p> <p>1 A. I really can't answer that. This is what 2 whoever wrote this is saying, so. 3 Q. Okay. 4 A. So I can't answer that as to say that 5 that has actually happened because I'm not one to be 6 there to say that it did happen. 7 Q. Would you agree that unnecessary 8 institutionalization of children can be harmful? 9 A. Oh yes. 10 Q. Would you agree that children who need 11 therapeutic placements who don't receive those 12 placements often end up moving from placement to 13 placement because of disruptions? 14 A. Repeat the question, please. 15 Q. Would you agree that children who need 16 therapeutic placements who don't receive those 17 placements often end up moving frequently because of 18 placement disruptions? 19 A. I can't agree with that. 20 Q. Do you believe children who are in need 21 of therapeutic placements who don't receive those 22 placements are at risk of movement, more movement? 23 A. Yeah, I can agree to that. 24 Q. And is it your experience in Forrest 25 County that some children experience placement</p>	<p style="text-align: right;">Page 89</p> <p>1 enough placements available for children in Forrest 2 County? 3 A. No. I would say we have foster homes 4 there, but it's because of maybe the behavior of the 5 child that we're trying to find an appropriate 6 placement. 7 Q. Is it Forrest County practice to place a 8 child in an emergency temporary foster home in 9 consecutive nights when a more permanent placement 10 can't be located? 11 A. Is it our practice to place -- 12 Q. A child in an emergency temporary foster 13 placement overnight while -- 14 A. Like a shelter that you're speaking of? 15 Q. A shelter or are there such things as 16 emergency temporary foster homes that take children 17 for just one night? 18 A. We don't have them in Forrest County. 19 Q. So if a child is awaiting placement in 20 the DFCS office and no placement is found that day, 21 where does that child sleep? 22 A. We find a placement. And I'm not going 23 to -- you know, I can't say foster home, shelter. 24 We find a placement. 25 Q. And then that child is returned to the</p>

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